

Amendment dated August 18, 2005  
Office Action dated 05/19/05

Application No. 09/321,360

### **REMARKS**

Claims 1-19 are pending. Claims 1-19 are rejected by this Office Action. Prosecution was re-opened due to the Brief on Appeal that was filed on March 3, 2005. The previous Office Action has been withdrawn.

#### **Claim Rejections – 35 U.S.C. § 101**

**Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The Applicants have amended claim 1 to clarify that the claimed invention is within the technological arts. As amended, claim 1 is directed to **“A method for displaying phases on a computer system in which components of a system for providing a web architecture framework are delivered, wherein all steps are performed on the computer”** that includes the steps of **“displaying, through a display adapter by a processor, a pictorial representation of an existing system including a plurality of components,” “compiling, by the processor, a listing of additional components for implementation into the existing system,” “determining, by the processor, a first set of the additional components for implementation in a first implementation phase,” “determining, by the processor, a second set of the additional components for implementation in a second implementation phase,” “modifying, through the display adapter by the processor, the pictorial representation of the existing system to show a pictorial representation of the first set of components being indicia coded to indicate that they are to be delivered in the first phase,” and “modifying, through the display adapter by the processor, the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase.”** (Emphasis added.) The amendment is supported by the specification as originally filed, e.g., Figure 2A and page 39.

Regarding claim 1, the Office Action alleges (Page 3.):

These steps do produce a tangible result; however they represent mere ideas in the abstract since they do not recite computer software or hardware embedded on a tangible medium for processing the steps of this claim.

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Claim 1 does recite computer software and hardware where all steps are performed on the computer system. Because claims 2-6 ultimately depend from claim 1, claims 2-6 are directed to statutory subject matter for at least the above reasons. The Applicants request reconsideration of claims 1-6.

### Claim Rejections – 35 U.S.C. § 103

Claims 1, 4, 5, 6, 7, 10, 11, 12, 13, 16, 17, and 18 are rejected by the Office Action under U.S.C. 103(a) as being obvious over US 4,937,743 (Rassman).

Regarding claim 1, the Office Action alleges that the feature of “compiling a listing of additional components for implementation into the existing system” is taught by Rassman as cited in column 3, lines 7-11. (Emphasis added.) As admitted by the Office Action, Rassman “discloses that the resource information in the database can be updated to have the most recent data.” (Emphasis added.) Rassman teaches (Column 3, lines 7-11. Emphasis added.):

In one of its preferred configurations, the invention contemplates providing access to a data base to permit continuous updating of the information stored therein so that when resource utilization is displayed it reflects the most recent data in the data base.

Rassman teaches continuous updating of information for existing components but does not teach the feature of “compiling a listing of additional components for implementation into the existing system”. (Emphasis added.) Rassman merely teaches a data base that stores information (e.g., resource utilization) about a resource (an existing component) rather than a listing of additional components. Moreover, Rassman fails to suggest compiling a list of anything. The Office Action further argues that “in Col. 7, lines 55-57, Rassman discloses that the remaining operating rooms could be scheduled in a similar fashion as the first set of operating rooms in ‘Case abc’.” (Page 8, item 5.) Rassman does disclose (Column 7, lines 53- 60.):

In FIG. 1, the vertical rectangle, labeled “Case abc” is the scheduling indicator. In similar fashion, the remaining operating rooms could be scheduled and scheduling indicia displayed. As long as nothing is planned for one of the primary resources at a particular time, the blank screen or “open” at that location would constitute the scheduling indicator

However, Rassman does not suggest scheduling a second room to “Case abc” (which the Office Action appears to equate to “a system” in claim 1) but rather to another case, e.g., Case def as

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shown in FIG. 1, which corresponds to a different operation. (Assigning a second room to "Case abc" requires that the operation, during the surgical procedure, be transferred to another operating room while the patient is being operated on. This is clearly not suggested in Rassman's disclosure, e.g. col. 7, lines 55-57 as cited by the Office Action.) For at least the above reasons, Rassman does not teach or even suggest the feature of "compiling a listing of additional components for implementation into the existing system."

Regarding claim 1, the Office Action further alleges that Rassman discloses the feature of "determining a second set of **additional components for implementation in a second implementation phase.**" (Emphasis added.) Rassman does disclose (Column 4, lines 66 - column 5, line 8. Emphasis added.):

A supplemental, or transitory data base, preferably integrated with the primary data base, can also be employed to store information more frequently changed than the information in the primary data base. The transitory data base could include information about the planned utilization of a given resource on a particular day or at a particular time. Tasks or procedures waiting to be scheduled could also be in the transitory data base.

In the above teaching of Rassman, both the primary data base and the supplemental (transitory) data base merely store information about "a given resource" (same component) and do not relate to an additional component. Also, Rassman discloses (Column 8, lines 21-24):

In the event it is decided to display secondary resources within cells, such secondary resource displays could be used to indicate conflicts. For example, if Doctor S were scheduled simultaneously in two operating rooms, the display of Doctor S as a secondary resource in either or both of those cells could be made to flash. Such flashing would, in that embodiment, constitute the conflict indicia.

The above teaching of Rassman merely discloses displaying a secondary resource. While the Office Action equates a secondary resource with "a second implementation phase," both primary resources and secondary resources, as taught by Rassman, are necessary for the first implementation phase. (Rassman does not even suggest multiple phases in a surgical procedure.) For example, both an operating room (which is equated to a primary resource by the Office Action) and a doctor (which is equated to a secondary resource by the Office Action) are necessary for an operation and must be scheduled at the same time. (Without a doctor, a surgical procedure cannot be performed even though an operating room is available.) For at least the above reasons, Rassman does not teach or even suggest the feature of "determining a second set

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of the additional components for implementation in a second implementation phase.' Claim 1 is patentable over Rassman.

Regarding independent claims 7 and 13, the Office Action alleges that "computer programs, code segment and logic are inherent with Rassman, et al's system because [since] he teaches that this method is carried out in a computer system, computer programs using code segments and logic is absolutely necessary for the computer to successfully process information and produce results." Hence, claims 7 and 13 are patentable over Rassman for at least the same reasons as discussed above. The Applicant requests reconsideration of claims 1, 7, and 13.

Claims 4, 5, 6, 10, 11, 12, 16, 17, 18, and 19 ultimately depend from claims 1, 7, and 13 and are patentable for at least the same reasons as discussed above. Thus, the Applicant requests reconsideration of claims 4, 5, 6, 10, 11, 12, 16, 17, 18, and 19.

Moreover, regarding claim 19, the Office Action alleges that Rassman discloses the feature of "separating the remaining components into primary components and secondary components, wherein the primary components must be installed before the secondary components can function properly" as disclosed by column 12, lines 19-25 and column 12, lines 25-31. (Emphasis added.) Rassman does disclose (Column 12, lines 14-24. Emphasis added.):

The system can also be made to take certain actions automatically. For example, if a piece of equipment must be warmed up for a predetermined period of time before use, the method of the instant invention would encompass having the system energize that piece of equipment when a particular milestone in the procedure has been completed. Similarly, in an industrial setting, the system could automatically cut purchase orders or open molds when certain predetermined milestones are reached.

In the above teaching of Rassman, the Office Action equates a piece of equipment to a primary resource and an action about the piece of equipment (an existing component) to a secondary resource. Rassman further discloses (Column 12, lines 25-35):

The method of this invention also contemplates a rule based system wherein the detection of certain conflict indicia would cause automatic rescheduling of some resources. To illustrate, assume that in FIG. 1, there must be 15 minutes between completing Case abc and beginning Case def. If a signal has not been sent by 9:50 that Case abc is over, a rule could be established that would automatically reschedule Case def to begin at 9:15. The rule could also require checking the schedules of all the resources involved in Case def before rescheduling.

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In the above teaching, Rassman merely discloses rescheduling Case def if there is not a sufficient time interval between the allocations of the operating room (Rm 1). Rassman fails to teach about primary components and secondary components. The Office Action further alleges (Page 10-11, section 7):

this claim is rejected for the same reasons as discussed above with respect to claim 1 as being disclosed in Col. 6, lines 20-22, and lines 27-36 of Rassman. It is here that Rassman discloses secondary components.

Rassman does disclose (Column 6, lines 19-38.):

While the operator of the system can select certain resources for primary display purposes, the system monitors utilization, not only of the displayed primary resources but also of other or secondary resources which may or may not appear on the display, but which are used in conjunction with the displayed primary resources. To illustrate, the operator may choose to display "operating rooms" as the primary resources. One of those operating rooms, 0, however, may require surgeon S, anaesthesiologist A, heart/lung machine H and heart monitor M. Resources S, A, H and M may be referred to as secondary resources. If the procedure scheduled for room 0 takes longer than expected, the system will display conflicts, not only with respect to the primary resource, operating room 0, but also with respect to scheduled utilization of the secondary resources, surgeon S, anaesthesiologist A, heart/lung machine H and monitor M. The system can, of course, be so configured as to suppress one or more of these indicia.

In the above teaching, the primary resource (operating room) and the secondary resource (surgeon, anaesthesiologist) must be installed at the same time in order to properly perform a surgical procedure. Rassman does not even suggest the feature of "separating the remaining components into primary components and secondary components, wherein the primary components must be installed before the secondary components can function properly."

**Claims 3, 9, and 15 are rejected by the Office Action as being unpatentable over Rassman in view of US 5,208,765 (Turnbull).**

As discussed above, regarding claims 1, 7, and 13, Rassman does not teach or even suggest the features of "compiling a listing of additional components for implementation into the existing system", "determining a first set of the additional components for implementation in a first implementation phase", and "determining a second set of additional components for implementation in a second implementation phase." Moreover, Turnbull does not make up for the deficiencies of Rassman. Claims 3, 9, and 15 depend from claims 1, 7, and 3 and are

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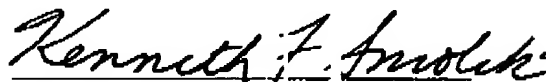
patentable over Rassman in view of Turnbull. Thus, the Applicant requests reconsideration of claims 3, 9, and 15.

### CONCLUSION

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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